

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOE BEN MARTINEZ,

Plaintiff,

v.

No. 24-cv-0367 SMD/DLM

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF BERNALILLO,

Defendant.

ORDER OF DISMISSAL

THIS MATTER is before the Court following Plaintiff Joe Ben Martinez’ failure to prosecute his Civil Complaint (Doc. 1-1). Plaintiff filed his pro se Civil Complaint in State Court while he was incarcerated at the Metropolitan Detention Center (MDC) in Albuquerque, New Mexico. By Order entered January 22, 2025, the Court noted that the MDC inmate locator website reflects Plaintiff is no longer in custody, and he has not provided a current address as required by D.N.M. LR-Civ. 83.6. *See* (Doc. 8); *See* <https://vaintfacep2.berncs.gov/releaselist>. The Court directed Plaintiff to update his address in writing within thirty days. (Doc. 8). The Order warned that the failure to timely comply may result in dismissal of this action without further notice. *Id.*

The deadline to provide a new address was February 21, 2025. Plaintiff did not comply or otherwise respond to the Order, which was returned as undeliverable. (Docs. 9, 10). Accordingly, the Court will dismiss the Civil Complaint without prejudice under Fed. R. Civ. P. 41(b) “for failure to ... comply with [civil rules and] court orders.” *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003). The Court will deny as moot Defendant’s Motion to Dismiss (Doc. 4).

IT IS THEREFORE ORDERED that Plaintiff Joe Ben Martinez' Civil Complaint (Doc. 1-1) is **DISMISSED without prejudice**; Defendant's Motion to Dismiss (Doc. 4) is **DENIED as moot**; and the Court will enter a separate judgment closing this civil case.

SO ORDERED.

A handwritten signature in black ink, appearing to be 'AMJ', is written above a horizontal line.

UNITED STATES DISTRICT JUDGE